

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

IN RE:

OPENAI, INC.,  
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This Document Relates To:

THE NEW YORK TIMES COMPANY v.  
MICROSOFT CORPORATION, et al., No. 23-cv-  
11195

25-md-3143 (SHS) (OTW)  
Hon. Sidney H. Stein

**DECLARATION OF ELANA NIGHTINGALE DAWSON IN SUPPORT OF  
OPENAI DEFENDANTS' OBJECTION TO PRESERVATION ORDER AT  
MDL ECF 33 PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 72(a)**

I, Elana Nightingale Dawson, declare as follows:

1. I am a partner with the law firm of Latham & Watkins LLP, counsel of record for Defendants OpenAI, Inc., OpenAI LP, OpenAI GP, LLC, OpenAI, LLC, OpenAI OpCo LLC, OpenAI Global LLC, OAI Corporation, LLC, and OpenAI Holdings, LLC (collectively, "OpenAI"), and am admitted to practice before this Court.

2. I submit this Declaration in Support of OpenAI's Objection to Preservation Order at *MDL ECF 33*.

3. Attached hereto as **Exhibit A** is a true and correct copy of excerpts of the transcript of the September 12, 2024 hearing before Magistrate Judge Wang.

4. Attached hereto as **Exhibit B** is a true and correct copy of excerpts of the transcript of the May 27, 2025 afternoon hearing before Magistrate Judge Wang.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 3, 2025 in Silver Spring, MD.

*/s/ Elana Nightingale Dawson*

Elana Nightingale Dawson